

## **REMARKS**

### **I. Summary of the Claims**

With the present Office Action, claims 1, 3-6, and 8-18 were pending in the application. With the present amendment, claims 1, 3, 11, 13, and 14 have been amended, claims 6, 8-10, 15, 17, and 18 have been canceled. Additionally, new claims 19 and 20 have been added to the application. The amended claims and the new claims contain no new subject matter or elements outside the original search scope. As such, claims 1, 3-5, 11-14, 16, 19, and 20 are now pending in the application.

### **II. Defective Oath or Declaration**

Applicant hereby acknowledges that the Office Action indicates the oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.56 stating that the person making the oath or declaration acknowledges the duty to disclose is forthcoming.

### **III. Abstract Objected To**

The Office Action objects to the abstract because the opening phrase, "[t]aught herein is" is an implied phrase. The Office Action also objects to the abstract, line 7, for the sentence beginning with "And". Accordingly, the Abstract has been amended.

### **IV. Rejection under 35 U.S.C. § 112, Second Paragraph**

Claims 1, 3-6, and 8-18 are rejected under U.S.C. § 112, Second Paragraph.

#### Claim 1

With regard to claim 1, the Office Action states that in line 4, "said protruding receptacle" and "said open cell" lack antecedent basis for one of each

from lines 3 and 2, respectively. Further, in line 7, the Office Action states it is unclear whether “and circuitry” is the same or different than “electronic circuitry” set forth in line 1. Applicant respectfully submits that the amendment of claim 1 has rendered the rejection under 35 U.S.C. § 112 moot.

Claim 3

With regard to claim 3, the Office Action states that in line 1, “said receptacle” lacks antecedent basis for one receptacle. Applicant respectfully submits that the amendment of claim 3 has rendered the rejection under 35 U.S.C. § 112 moot.

Claim 6

With regard to claim 6, the Office Action states that in line 5, it is unclear whether “and circuitry” is the same or different than “electronic circuitry” set forth in line 1. In line 6, “said open side” is indefinite, as “at least one protruding receptacle having an open side” defines at least one open side, as multiple protruding receptacles by disclosure do not distinguish a single open side. Applicant respectfully submits that the cancellation of claim 6 has rendered the rejection under 35 U.S.C. § 112 moot.

Claim 8

With regard to claim 8, the Office Action states that in line 1, “said receptacle” lacks antecedent basis for one receptacle. Applicant respectfully submits that the cancellation of claim 8 has rendered the rejection under 35 U.S.C. § 112 moot.

Claim 11

With regard to claim 11, the Office Action states that in line 5, it is unclear whether “and circuitry” is the same or different than “electronic circuitry” set forth

in line 1. Applicant respectfully submits that the amendment of claim 11 has rendered the rejection under 35 U.S.C. § 112 moot.

Claim 13

With regard to claim 13, the Office Action states that in line 1, "said receptacle" lacks antecedent basis for one receptacle. Applicant respectfully submits that the amendment of claim 13 has rendered the rejection under 35 U.S.C. § 112 moot.

Claims 10 and 14

With regard to claims 10 and 14, the Office Action states that in line 1 of each, "said fourth card" lacks antecedent basis. Applicant respectfully submits that the cancellation of claim 10 and the amendment of claim 14 has rendered the respective rejections under 35 U.S.C. § 112 moot.

Claim 18

With regard to claim 18, the Office Action states that in line 4, "said item" lacks antecedent basis, as such is the initial definition of an item per se, and should be –an item-. The Office Action also states, in line 3, "to receive and store an item" does not distinguish an item per se. The Office Action also states, in line 6, "than" should apparently be –that-. Applicant respectfully submits that the cancellation of claim 18 has rendered the rejection under 35 U.S.C. § 112 moot.

**V. Rejection under 35 U.S.C. § 102(e)**

Claims 6 and 8-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,411,567 to *Niemiec et al.* Applicant respectfully submits that the cancellation of claims 6, 8-10, 15, 17, and 18 has rendered the respective rejections under 35 U.S.C. § 102(e) moot. Applicant respectfully traverses the rejections to claims 11-14 and 16.

Claim 11

Applicant respectfully submits that *Niemiec et al.* does not teach all of the features of claim 11 or the claims depending therefrom. In particular, *Niemiec et al.* does not teach at least the features of “a second card comprising a closed cell, and electronic circuitry with a dielectric overlay, wherein said dielectric overlay is printed on said second card and spans at least a portion of said electronic circuitry.” *Niemiec et al.* describes:

A blister card 202 is formed such that pockets 204 extend from a planar card 206. A thin layer of chemically inert dielectric material 208 is adhered to the planar card 206. Traces 210 forming the severable conductor 108 are then printed onto the dielectric layer 208. A second dielectric layer 212 may then be overlayed onto the first dielectric layer 208 and the traces 210. A breakable closure 104 may then be adhered to the second dielectric layer 212.

*Niemiec et al.*, column 5, lines 10-19.

As described by *Niemiec et al.*, the order of the layers is not the same as the order described in claim 11. The Office Action equates the first card to *Niemiec's* blister card. Applicant does not contend this assertion; however, *Niemiec* then requires the layering of a dielectric material 208, traces 210 printed on the

dielectric layer 208, an optional dielectric layer 212 overlayed onto the first dielectric layer and the traces 210, and a breakable closure 104 adhered to the second dielectric layer 212, in that order. Contrariwise, Applicant's claim 11 states, "a conductive protective layer mated to said first card such that said protective layer spans across said open side." Thus, the placement of the conductive protective layer first and adjacent to both the first card and the dielectric overlay is different than the placement of the breakable closure 104 as described by *Niemiec et al.* To better illustrate the differences between claim 11 and *Niemiec et al.*, Figures 1A and 1B are provided below.

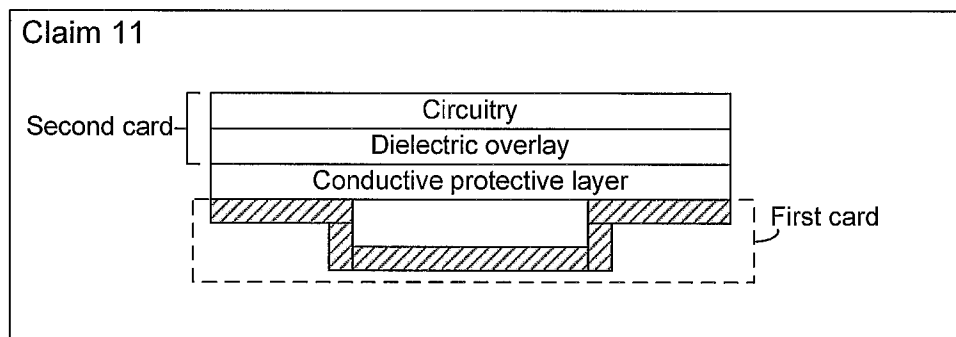


Figure 1A

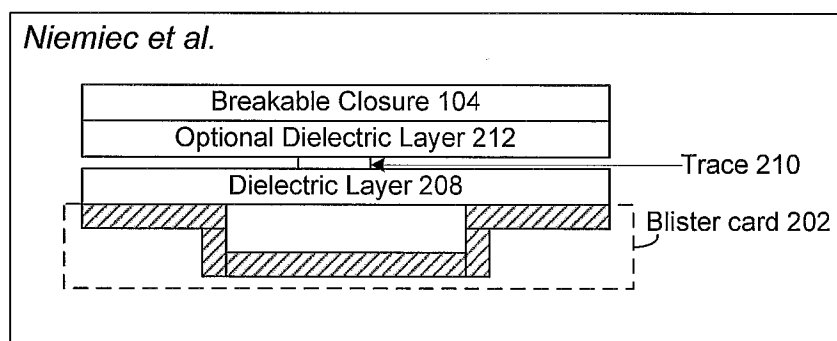


Figure 1B

Applicant respectfully submits that claim 11 and the claims depending therefrom are patentable over *Niemiec et al.* for at least these reasons. Accordingly, Applicant respectfully requests withdrawal of the rejection to claim 11 and the claims depending therefrom and that these claims be allowed.

**VI. Rejection under 35 U.S.C. § 103(a)**

Claims 1, 3-5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,188,728 to *Williams-Hartman* in view of either one of *Niemiec et al.* and U.S. Patent No. 4,617,557 to *Gordon*. Claims 1, 3-5, and 18 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,172,812 to *Wharton et al.* in view of either one of *Niemiec et al.* and *Gordon*. Applicant respectfully submits that the cancellation of claim 18 has rendered the rejection under 35 U.S.C. § 103(a) moot.

Claim 1

Applicant respectfully submits that the references taken in combination, or alone, do not teach all of the features of claim 1 and the claims that depend therefrom. In particular, the hypothetical combination of *Williams-Hartman* and *Niemiec et al.*, *Williams-Hartman* and *Gordon*, *Wharton et al.* and *Niemiec et al.*, or *Wharton et al.* and *Gordon* do not teach at least the features of, “a locking tab...wherein said locking tab is configured to lockably retain said package within an outer sleeve.”

Applicant respectfully submits that claim 1 and the claims depending therefrom are patentable over any of the hypothetical combinations of *Williams-Hartman* and *Niemiec et al.*, *Williams-Hartman* and *Gordon*, *Wharton et al.* and *Niemiec et al.*, or *Wharton et al.* and *Gordon* for these reasons. Accordingly, Applicant respectfully requests withdrawal of the rejection to claim 1 and the claims depending therefrom and that these claims be allowed.

**VII. New Claims**

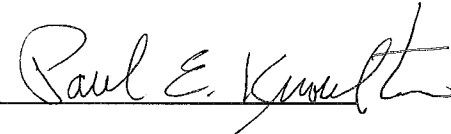
Applicant respectfully submits that all of the amended claims patentably define over the cited references. In addition to the foregoing amendments, the Applicant submits herewith new claims 19 and 20. The Applicant respectfully submits that the new claims are patentable over the cited references for substantially the same reasons as those set forth above.

**VIII. Conclusion**

Applicant submits that all pending claims are in condition for allowance and, accordingly, requests reconsideration of the present application and issuance of a notice of allowance in due course. Applicant requests a telephonic interview with Examiner Gehman prior to the issuance of a subsequent office action, if any.

No fee is believed to be due in connection with this submission. However, if a fee is due, the Commissioner is hereby authorized to charge any such fees, or credit any overpayment, to Deposit Account No. 50-3447.

Respectfully Submitted,  
PARKS KNOWLTON LLC

By 

Paul E. Knowlton  
Reg. No. 44,842  
Attorney for Applicant

Parks Knowlton LLC  
1117 Perimeter Center West  
Suite E402  
Atlanta, GA 30338  
Tel.: (678) 625-6601  
Fax: (678) 625-6605